

HOUSE BILL 3027

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 33,
relative to costs of certain treatment and
evaluation of certain persons.

WHEREAS, on June 26, 2009, Governor Phil Bredesen signed into law new legislation making counties responsible for the cost of outpatient and inpatient mental health evaluations and treatment for defendants charged only with misdemeanors and court ordered to undergo said evaluations (see Chapter 531, § 45 of the Public Acts of 2009, codified in Tennessee Code Annotated, § 33-7-304); and

WHEREAS, before the adoption of Chapter 531 § 45 of the Public Acts of 2009, the State of Tennessee paid all costs and expenses for outpatient and inpatient mental health evaluations and treatment ordered by the court for defendants charged with both misdemeanors and felonies; and

WHEREAS, this unfunded mandate which has transferred the cost of outpatient and inpatient mental health evaluations and treatments for criminal defendants charged only with misdemeanors from the State of Tennessee to the individual counties, has resulted in serious financial ramifications for Greene County, Tennessee, already with the potential for untold cost in the future; and

WHEREAS, after receiving bills for mental health evaluations at state mental health facilities for two defendants charged with misdemeanor offenses from the Department of Mental Health and Developmental Disabilities of approximately \$20,000, the Greene County Legislative Body voted to request that the State Legislators representing Greene County sponsor legislation to repeal Tennessee Code Annotated, Section 33-7-304, and again require the state of Tennessee to absorb or pay state mental health facilities and agencies who

perform court ordered mental evaluations and treatment for criminal defendants charged with misdemeanors; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-7-304, is amended by adding the following as a new subsection:

(c) Notwithstanding subsections (a) and (b), the costs of the care, evaluation or treatment of any defendant ordered by the court under this part and who is charged with a misdemeanor shall be paid by the state in any county having a population of not less than sixty eight thousand eight hundred (68,800) nor more than sixty eight thousand nine hundred (68,900), according to the 2010 federal census or any subsequent federal census.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.